

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** ALFANO SUBDIVISION

**Case Number:** PLD2004-00076; SEP2004-00137;  
WET2004-00039

**Location:** 5202 NE 53<sup>rd</sup> Court.

**Request:** To subdivide six parcels totaling approximately 8.7 acres into 50 single-family residential lots and a wetland/stormwater tract, with three lots to contain existing dwellings, in the R1-5 zoning district.

**Applicant:** Moss & Associates, Inc.  
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Vancouver, WA 98665  
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E-mail: geoff@mossandassociates.net

**Contact Person:** Same as applicant

**Property Owners:**

Robert Alfano 5408 NE 51 <sup>st</sup> Street Vancouver, WA 98661	Donald & Nancy Brough 5113 NE 51 <sup>st</sup> Court Vancouver, WA 98661
Michael & Gizella Darfler 5112 NE 54 <sup>th</sup> Court Vancouver, WA 98661	Lewis & Mildred Kersteter 5202 NE 53 <sup>rd</sup> Court Vancouver, WA 98661
Brett & Michele Phillips 5506 NE 51 <sup>st</sup> Street Vancouver, WA 98661	

## **RECOMMENDATION**

**Approve, subject to Conditions of Approval**

**Team Leader's Initials:**  **Date Issued:** November 17, 2004

**Public Hearing Date:** December 2, 2004

## County Review Staff:

<u>Title</u>	<u>Name</u>	<u>Phone</u> (360) 397-2375 Ext.	<u>E-mail Address</u>
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<b>Team Leader:</b>	Krys Ochia	4834	<a href="mailto:Krys.ochia@clark.wa.gov">Krys.ochia@clark.wa.gov</a>
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<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov

**Comp Plan Designation:** Urban Low Density Residential

**Parcel Number(s):** Lots 1/1 (156936-003) & 2/1 (156936) of Short Plat 2-703, Lots 2 (156954-010) & 3 (156954-005) of Short Plat 3-031, and tax lots 15/1 (156946) & 37/1 (156957-011) located in the NW ¼ of Section 18, Township 2 North, Range 2 East of the Willamette Meridian.

### Applicable Laws:

Clark County Code Chapters; 12.15 (Uniform Fire Code); Title 24 (Public Health); 40.220.010 (Residential Districts); 40.350.010 (Pedestrian /Bicycle Circulation); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 40.450 (Wetland Protection); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570.080 (SEPA); 40.610 & 40.620 (Impact Fees); and RCW 58.17 (State Platting Laws)

### Neighborhood Association/Contact:

The site is not located within the boundaries of any county-recognized neighborhood association.

### Time Limits:

The application was determined to be fully complete on September 24, 2004 (see Exhibit #10). Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 25, 2004. The State requirement for issuing a decision within 120 calendar days lapses on January 22, 2005.

### Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the

same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on June 3, 2004. The pre-application was determined to be contingently vested as of May 13, 2004, the date the fully complete pre-application was submitted.

The fully complete application was submitted on September 21, 2004 and determined to be fully complete on September 24, 2004. Given these facts the application is vested on May 13, 2004.

### **Public Notice:**

Notice of application and public hearing was mailed to the applicant and owners of property located within 300 feet of the site on October 7, 2004. One sign was posted on the subject property and two within the vicinity on November 17, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on November 17, 2004.

### **Public Comments:**

No written public comments have been received by the county in response to the public notice.

### **Project Overview**

The site consists of six parcels totaling 8.7 acres containing five existing single-family dwellings, two detached garages, a shop, and a barn. Three dwellings and one detached garage are to be retained and all other structures are proposed to be removed.

A category 4 wetland exists at the northwest corner of the site and an orchard covers the northwest portion of the site. The central and east portion of the site is primarily grass covered, with ornamental trees and shrubs around the existing residences, along with lawn.

Topographically, the lowest portion of the site is located in the northwest corner, and an area of steep slope runs through the west central portion of the site.

West of the site is a large parcel containing one dwelling, and abutting on the east of the site is a row of platted lots containing single-family detached dwellings. Abutting the site on the north is an existing orchard on property that has obtained preliminary approval of a subdivision called Peach Tree Vista. The proposed design of Alfano Subdivision is to match up with the streets in Peach Tree Vista, including extension of NE 54<sup>th</sup> Avenue and NE 53<sup>rd</sup> Court running along the north boundary. NE 51<sup>st</sup> Street abuts portions of the site on the south, along with six intervening parcels containing homes.

This development proposes to retain two existing private drives, NE 53<sup>rd</sup> Court and NE 54<sup>th</sup> Court, which provide access from NE 51<sup>st</sup> Street for the three existing dwellings that are proposed to be retained. Internal circulation is proposed by extending a street north from NE 51<sup>st</sup> Street across from its intersection with NE Chateau Drive. This road includes NE 52<sup>nd</sup> Court, running east and west within the site to serve the internal lots,

and then extends to the north boundary of the site to connect with NE 54<sup>th</sup> Avenue being extended by Peach Tree Vista. Also partial-width improvements are proposed for NE 53<sup>rd</sup> Court running east from NE 54<sup>th</sup> Avenue along the north property boundary.

A wetland and buffer preservation tract are proposed in the northwest corner of the site, with a biofiltration swale proposed to be located within the buffer and an adjacent detention pond to the east of it.

The site is located within the Vancouver School District, Fire District #5, and Park District #7.

Surrounding uses and zoning are as indicated, along with those of the site, in the following table:

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	Urban Low Density	R1-5	5 single-family residences
North	Urban Medium Density	R-12	Orchard
East	Urban Low Density	R1-6	Single-Family Residential
South	Urban Low Density	R1-6	Single-Family Residential
West	Urban Low Density	R1-5	Single-Family Residential

## **Staff Analysis**

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

**LAND USE:****Finding 1 Lot Standards**

The lot standards for the R1-5 zone are contained in CCC Table 40.220.010-2.

The average lot area of the proposal is 5,808 square feet, which complies with the minimum 5,000 sq ft standard.

All of the proposed lots meet the applicable lot standards, with the exception of Lot 46 with an average lot depth of 71.5 feet, which is approximately 5% short of the minimum 75 feet average lot depth standard. This is due to the proposed “eyebrow” in the street corner. Therefore, the plat needs to be amended, or the applicant needs to obtain approval of an administrative variance. (see Condition A-1)

The applicable minimum setbacks are as follows:

Front:	20 feet
Street side:	10 feet (applicable to Lots 1, 8, 9, 31, 32, & 33)
Side:	5 feet
Rear:	5 feet

To help ensure compliance with setbacks, lot coverage, and building height, a note on the plat should be required. (see Condition C-1)

**Finding 2 Existing Structures**

The existing dwellings and accessory structures that are to be removed or demolished may be subject to asbestos control inspection and regulations. The applicant should contact the Southwest Clean Air Agency. (see Condition A-2)

**Finding 3 Proposed Boundary Line Adjustment**

The application proposes to record a boundary line adjustment prior to final plat approval that will help to ensure the legal lot status of tax lot 9/1 (156940) located at the southeast corner of the site but not included within the subdivision proposal.

Tax lot 37/1 (156957-011), from which tax lot 9/1 was improperly segregated, has been determined to be a separate legal lot of record by the county as a result of a 1992 innocent purchaser determination (Exhibit #6 @ Tab 5). Therefore, the proposed boundary line adjustment is not necessary for approval of the proposed Alfano subdivision, and no condition of approval is necessary.

## **CRITICAL AREAS:**

### **Finding 4 Wetland Permit**

The applicant has submitted a wetland permit application (WET2004-00039) requesting preliminary wetland permit approval to construct a bioswale in a Type D wetland buffer.

Compliance with the county Wetlands Ordinance (CCC 40.450) will ensure that the project has no significant environmental impacts to wetlands.

### **Finding 5 Wetland Delineation**

The County Wetlands Biologist concurs with the August 20, 2004 wetland delineation prepared by Ecological Land Services (Exhibit #6 @ Tab 11). The northwest corner of the site contains a Category 4 wetland with a 50 ft. Type D buffer.

### **Finding 6 Bioswale**

The applicant proposes to construct a bioswale within the wetland buffer. Stormwater management facilities are allowed in Type D wetland buffers if the facility is designed to blend with the natural landscape, as defined in CCC 40.450.040 (C)(4). The preliminary enhancement/mitigation plan (Exhibit #6 @ Tab 11) includes enhancement of the wetland buffer outside of the treatment area of the swale; this will ensure that the facility does not degrade the buffer if the final design complies with the sub-paragraphs (d) through (j) in CCC 40.450.040 (C)(4). The details of the bioswale design must be clearly shown to comply with these standards in the Engineering Construction Plans and Final Enhancement/Mitigation Plan. (see Conditions A-3, C-2, & D-2)

Based upon the development site characteristics and the proposed development plan, the County Wetlands Biologist concludes that the proposed preliminary land division and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance, PROVIDED that the recommended conditions of approval are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **TRANSPORTATION CONCURRENCY:**

### **Finding 7 Concurrency**

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(B) and is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance. The county's Traffix<sup>TM</sup> model includes the intersections of regional significance in the area, and the county's model was used to evaluate concurrency compliance.

County concurrency staff has reviewed the proposed Alfano Subdivision consisting of a 50 lot subdivision. The site has 5 existing residences, with 3 to remain. The applicant's traffic study estimates the weekday AM peak hour trip generation at 35 new trips, while the PM peak hour trip generation is estimated at 46 trips. The following paragraphs document two transportation issues for the proposed development, concurrency and safety.

#### Finding 8 Site Access

Level of Service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur at the site access to the arterial and collector network. The intersections of NE 51<sup>st</sup> Street and future NE 54<sup>th</sup> Street at NE 56<sup>th</sup> Avenue appear to maintain acceptable LOS.

#### Finding 9 Operating LOS on Corridors

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. Therefore, the proposed development complies with the Concurrency Ordinance (CCC 40.350.020).

The applicant should reimburse the county for costs incurred in running the concurrency model. (See condition A-4)

#### Finding 10 Safety

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 140.350.030(B)(6). This ordinance states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in CCC 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

#### Finding 11 Traffic Signal Warrants

Signal warrants are not met at any of the subject intersections analyzed in the applicant's traffic study.

#### Finding 12 Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the roadways in the local vicinity of the site to determine if turn lane warrants are met. Turn lane warrants were not met at any of the unsignalized intersections analyzed in the applicant's traffic study; therefore, mitigation is not required.

### Finding 13 Historical Accident Situation

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

### Finding 14 Traffic Controls During Construction

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (see Condition B-1)

### Finding 15 City of Vancouver Concurrency

The applicant submitted a traffic study for this proposal in compliance with the interlocal agreement and the City's VMC 11.95 and VMC 11.90 requirements to meet the standards established in the interlocal agreement. VMC 11.95 and VMC 11.90 outline the requirements, corridors and intersections of regional significance.

As part of the interlocal government agreement signed with the County on July 21, 1998, the City of Vancouver Concurrency staff has reviewed the proposed Alfano Subdivision. The proposed development is located along the north side of NE 51<sup>st</sup> Street, west of NE 56<sup>th</sup> Avenue. The applicant's traffic study, dated August 18, 2004, prepared by CTS Engineers has estimated the weekday PM peak hour trip generation at 46 trips and weekday ADT trip generation at 440.

The project will impact the following Transportation Analysis Zone (TAZ) and the following City's Transportation Management Zone (TMZ).

Corridor Name	Corridor Limit	Number of PM Peak Trips to City Concurrency Corridors	TAZ
St. John's/St. James	Fourth Plain to NE 78 <sup>th</sup> Street	0	#199

Upon review of the traffic impacts, City of Vancouver Concurrency staff concludes that the proposed development complies with the City Concurrency VMC 11.95 and traffic impact per VMC 11.90.

## **TRANSPORTATION:**

### Finding 16 Circulation Plan

The proposed development site is located between NE 51<sup>st</sup> Street and NE 56<sup>th</sup> Street to the south and north of the project site, respectively, and NE 56<sup>th</sup> Avenue to the east. NE 56<sup>th</sup> Avenue is classified as a two-lane urban collector road (C-2) and serves the proposed development site as a north-south circulator road. NE 40<sup>th</sup> Avenue is also a north-south circulator road, located approximately one half mile to the west of the proposed development. The county has recently approved a post decision review of the Peach Tree Meadows (AKA Davenport Subdivision), allowing



extension of NE 54<sup>th</sup> Street to intersect NE 56<sup>th</sup> Avenue. This will provide for future road connections in the area including the proposed Alfano Subdivision. The approved Davenport Subdivision is located north of Peach Tree Vista Subdivision which is located immediately north of Alfano Subdivision.

The proposed on-site roads within Alfano Subdivision will be connected to NE 54<sup>th</sup> Avenue within the Peach Tree Vista Subdivision. This road will then be extended north to intersect NE 56<sup>th</sup> Street which will be extended easterly to connect to NE 56<sup>th</sup> Avenue. The applicant has submitted a circulation plan addressing cross circulation in the area. The proposed circulation plan meets the county's provisions for a circulation plan in CCC 40.350.030(B)(2).

#### Finding 17 On-site Roads

The applicant has proposed on-site roads which will serve the proposed lots and provide connection to proposed developments to the north of this subdivision. The main segment of the proposed road will extend north through proposed Peach Tree Vista and AKA Davenport Subdivisions to be connected to NE 54<sup>th</sup> Avenue which will then be connected to NE 56<sup>th</sup> Street (east-west road) and extend easterly to be connected to existing collector road, NE 56<sup>th</sup> Avenue. The applicant proposes to construct 28 foot wide paved roads within 46 foot wide right-of-way, with sidewalks on both sides. This meets the design criteria for urban local residential access roads. The proposed on-site road includes NE 52<sup>nd</sup> extending to the west and terminating with a permanent cul-de-sac (35 foot inside radius and 5 foot wide sidewalk). The applicant's proposed NE 55<sup>th</sup> Avenue includes an eyebrow with an internal radius of 25 feet.

The applicant proposes to construct half street improvements along NE 53<sup>rd</sup> Circle, located at the north boundary of the proposed development. NE 53<sup>rd</sup> Circle would be developed as a public road according to design criteria for urban local residential access roads with 28 feet of pavement within 46 feet of right-of-way. If the proposed partial width road for NE 53<sup>rd</sup> Circle is to be constructed prior to that portion within the Peach Tree Vista Subdivision to the north, a minimum paved roadway 20 feet wide within a minimum 29 feet of half-width right-of-way shall be required to provide for a two way safe traffic movement. (see Condition A-5)

The applicant shall install "No Parking" signs along the partial-width roadway of NE 53<sup>RD</sup> Circle. (see Condition A-6)

Since it is not feasible to extend NE 53<sup>rd</sup> Circle to NE 56th Avenue in compliance with the intersection spacing requirements of the code, the proposed NE 53<sup>rd</sup> Circle shall terminate with a permanent cul-de-sac. (see Condition A-7)

#### Finding 18 NE 51<sup>st</sup> Street

NE 51<sup>st</sup> Street, abutting the proposed development site in the south, is an urban neighborhood circulator road. The minimum half-width right-of-way dedication and frontage improvements along this road, in accordance with CCC 40.350, Drawing #13, shall be:

- A minimum half-width right-of-way of 27 feet
- A minimum half-width paved roadway of 18 feet

- Curb & gutter and a minimum sidewalk width of 5 feet
- Landscaping

The existing road has approximately 18 to 20 feet of asphalt pavement. The plans show an existing 45 feet of right-of-way along the NE 51<sup>st</sup> Street frontage. The proposed plan also shows dedication of an additional 9 feet of right-of-way to meet the county's minimum right-of-way requirements for an urban neighborhood circulator (54 feet). The frontage improvements will include a minimum of 18 feet of paved road (half width), curb & gutter, 5-foot sidewalk, and landscaping. The applicant's plans show curb-attached sidewalk along the frontage of the development, proposed to be connected to the existing attached sidewalk to the west. The applicant's plans include lots 21, 22 and 50. If sufficient right-of-way does not already exist (27-foot half-width), the proposed development shall dedicate additional right-of-way for NE 51<sup>st</sup> Street along the existing 20-foot driveway (accessing lots 21 and 22) and existing NE 53<sup>rd</sup> Court (accessing lot 50) to meet the county road standards. The applicant shall construct concrete driveway entrances for NE 53<sup>rd</sup> Court and NE 54<sup>th</sup> Court at their intersections with NE 51<sup>st</sup> Street to meet county road standards, and complying with the Americans with Disabilities Act (ADA). (see Condition A-8)

#### Finding 19 Private Road

The applicant proposes to construct a 20-foot private road within a 25-foot easement to provide access to lots 1 through 8. The following standards apply to private roads:

- Structural sections shall be the same as for public roads or equivalent.
- A pedestrian access plan shall be approved.
- Internal traffic calming may be required.

The applicant's proposed private road is approximately 148 feet long. Therefore, construction of a turnaround is not required. However, since the road is proposed to be only 20 feet wide within 25 feet of easement, to provide for a shared access easement to lots 4 & 5, the applicant shall extend the proposed easement area an additional 20 feet beyond westerly terminus of the proposed private road. (see Condition A-9)

Since the proposed private road is less than 24 feet wide, parallel parking is prohibited. The applicant shall install "No Parking" signs along the proposed private road. (see Condition A-10)

The proposed private road shall include an approved entrance approach at the intersection with NE 55<sup>th</sup> Avenue, which will be a public road. (see Condition A-11)

#### Finding 20 Access Management

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards.

Currently, there is one shared driveway providing access to two existing homes located south of proposed lots 13, 14, and 15. The driveway is 20 feet wide. In addition, the applicant proposes to construct the following on-site driveways:

- 20 foot driveway easement to provide access to lot 44
- Shared driveway within 20 foot easement to provide access to lots 23, 24, and 25
- Shared driveway within 20 foot easement to provide access to lots 19 & 20

Due to the proposed 20 foot easement to access lots 19 & 20, the building envelope widths on lots 16 and 17 will be somewhat reduced.

#### Finding 21 Intersection Design

Private and public roads shall be laid out so as to intersect at an angle as near to a right angle as practicable, and not less than sixty degrees (60°) for access roads. For minimum intersection spacing refer to Tables 40.350-2 through 40.350.030-6. The applicant's proposed on-site road, NE 55<sup>th</sup> Avenue, intersects NE 51<sup>st</sup> Street at a location approximately 240 feet west of the intersection of NE 51<sup>st</sup> Street and NE 56<sup>th</sup> Avenue. The minimum full access intersection spacing along an urban neighborhood circulator road is 150 feet. Therefore, the proposed NE 55<sup>th</sup> Avenue meets the intersection spacing requirements.

#### Finding 22 Sight Distance

The approval criteria for sight distance are found in CCC 40.350.030(B)(8). This section establishes minimum sight distance at intersections and driveways. Minimum required sight distance at public road and driveway intersections are shown in Table 40.350.030-11. With a posted speed of 25 miles per hour, the minimum required sight distance is 250 feet. Based on the proposed plans, it appears that sight distance would be limited at the proposed intersection of NE 55<sup>th</sup> Avenue and NE 51<sup>st</sup> Street. The applicant is required to provide evidence to be submitted with construction drawings that will show that the development complies with sight distance standards. The adequacy of the sight distance triangles at the intersection of the proposed on-site road and NE 51<sup>st</sup> Street shall be verified by the applicant's engineer. (see condition A-12)

#### Finding 23 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of CCC 40.350.010(A)-(C). The applicant's proposed plans show construction of sidewalk along approximately 190 feet of the frontage of NE 51<sup>st</sup> Street, both sides of the proposed on-site roads, and within proposed cul-de-sacs. The proposed private road providing access to lots 1 through 8 is a 20 foot paved roadway within 25 feet of easement without sidewalk.

#### Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the county's transportation ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary transportation plan, subject to the recommended conditions of approval, meets the requirements of the county transportation ordinance.

## **STORMWATER:**

### Finding 24    Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380), applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 40.380.030. The proposed development will create approximately 3.5 acres of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in CCC 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

### Finding 25    Site Conditions and Stormwater Issues

Based on Clark County GIS, the site contains both relatively flat and steep slopes (0 to 5 percent, 41% of parcel, 10 to 15 percent, 19% of parcel, 15 to 40 percent, 9% of parcel). The site contains several existing homes with lawns and driveways. The site vegetation consists predominately of grasses, with a peach orchard in the west-central portion of the site and landscaping near the existing homes. Sight topography ranges from gently to moderately sloping to the north and west. Elevations range from about 260 to 310 feet above sea level. Regionally, the site lies within the Willamette Valley / Puget Sound lowlands. Locally, the site is situated within an enclosed drainage and in the gently rolling lowlands of the north Portland Basin.

The on-site soil type is 100% Hillsboro Loam, which has an AASHTO soil classification of A-7 and hydrological group designation of B. Hillsboro soils are typically not suitable for infiltration. Clark County has experienced numerous infiltration system failures in facilities located within Hillsboro silt loams. Soil suitability for infiltration shall be determined by a qualified geo-technical engineer through both approved field testing and laboratory testing. In most soils, the tests may be waived during preparation of the preliminary plans if the engineer presents credible test results from nearby properties. However, applicants should not expect that these tests will be waived for infiltration systems proposed within Hillsboro soils. The Preliminary Stormwater Design Report states that “at this time, this project is not proposing infiltration. However, a study is being conducted to determine whether infiltration could work for roof downspouts or the Basin A detention pond.” “The final stormwater report will be modified if favorable infiltration rates are found on site”. In accordance with CCC 40.380.040(c)(3)(a), the infiltration investigation report shall be prepared through both approved field and laboratory testing. If infiltration is proposed, the infiltration rate used in the final stormwater analysis shall be verified during the construction of the stormwater facilities. (see Condition A-13)

A geotechnical engineering report prepared for the proposed development by Geo-Pacific indicates that groundwater was not encountered during geotechnical exploration at 12 exploratory test pits. However, groundwater elevations vary

seasonally. Under the existing condition, stormwater runoff drains into a wetland area / closed depressions. The applicant proposes to treat stormwater runoff from Basin A and Basins 2 through 5, utilizing a biofiltration swale, located in the northwest corner of the site, and then detain the runoff in a detention pond to meet county's stormwater quantity control requirements. Locally, the site is situated within an enclosed drainage and in the gently rolling lowlands of the north Portland Basin. The final stormwater plan shall be prepared in accordance with the Stormwater Management Manual for the Puget Sound Basin. Performing a closed depression analysis in accordance with Section III-1.5 of the Puget Sound Manual shall be determined during final engineering plan review. (see Condition 14)

#### Finding 26 Stormwater Proposal

The applicant's preliminary stormwater report shows two separate drainage basins, A & B. Basin A consists of the on-site stormwater plus off-site flows from basins 1 through 5. Basin B consists of on-site flow and off-site flows from basins 6 & 7. The applicant proposes to provide water quality treatment through a bio-filtration swale and provide for water quantity control through a stormwater detention pond for the runoff from Basin A. This runoff can then be discharged into the wetland area as it does under existing conditions. The applicant has stated: "The stormwater runoff from street areas will be collected, conveyed, treated and released as required per CCC 40.380".

Stormwater Basin A consists of the on-site stormwater runoff plus off-site flows from Basins 1 through 5. Basin 1 is a contributory off-site runoff from the proposed Peach Tree Vista Subdivision located to the north of proposed Alfano Subdivision. The proposed Alfano Subdivision shall continue to collect stormwater flows from off-site areas, including stormwater runoff from the Peach Tree Vista Subdivision site, and size the proposed stormwater facilities accordingly. (see Condition A-15)

The plans show a proposed geometry for a stormwater bio-filtration swale and a detention pond. The plans also show a 15 foot stormwater access easement. Based on the proposed plan, access to the bio-filtration swale is not shown. The applicant shall revise the final stormwater plans to show an adequate easement to provide access to the proposed stormwater facilities. (see Condition A-16)

The applicant proposes to provide water quality treatment through a bio-filtration swale and provide for water quantity control through a stormwater detention pond for the runoff from Basin A. This runoff will then be discharged into the wetland area. The applicant has stated, "The stormwater runoff from street areas will be collected, conveyed, treated and released as required per CCC 40.380". The proposed stormwater detention facility shall be located on site or within adequate easement areas and not within the public right-of-way. (see Condition A-17)

A preliminary stormwater design report has been submitted. Table 2 on page 3 of 6 shows runoff generated from Basin A, runoff from off-site basins, and allowable release rates during the 2- 10- and 100-year storm events. Similarly, Table 3 shows runoff generated from Basin B, runoff from off-site basins, and allowable release rates during the 2- 10- and 100-year storm events. The tabulated allowable release rates are higher than what would be allowed for both basins A & B, during 2-year

storm events. The applicant shall revise table 2 & 3 to reflect correct allowable release rates during the 2-year storm events. (see Condition A-18)

Stormwater Basin B consists of on-site flow and off-site flows from Basins 6 & 7. The applicant proposes to install a storm filter manhole near the intersection of NE 51<sup>st</sup> Street and the entrance into the subdivision. The stormwater runoff will then be released to the existing ditch along NE 51<sup>st</sup> Street where it will flow into an existing catch basin at the intersection of NE 51<sup>st</sup> Street and NE 56<sup>th</sup> Avenue.

The applicant proposes to construct a detention pond approximately 0.18 acres in size, located in northwest corner of the proposed development site. The applicant proposes that the facility will be publicly maintained. The proposed facilities will be maintained by the developer for two years and then be transferred to the county. The proposed stormwater detention facility shall be located on site or within adequate easement areas and not within public right-of-way. (see Condition A-19)

The applicant also proposes a stormfilter manhole to be located near the intersection of NE 51<sup>st</sup> Street and the entrance into the subdivision. The stormwater will then be released to the existing ditch along NE 51<sup>st</sup> Street where it will flow into an existing catch basin at the intersection of NE 51<sup>st</sup> Street and NE 56<sup>th</sup> Avenue. The applicant shall prepare and submit information on the capacity of the existing ditch along NE 51<sup>st</sup> Street to handle runoff originating from Basin B, under the developed conditions. (see Condition A-20).

The proposed development shall meet the requirements of CCC 40.380.040(C), including the following: No development within an urban growth area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots; and, All lots within the urban growth area must be designed to provide positive drainage from bottom of footings to an approved stormwater system. Positive drainage may be accomplished by swales, drywells, french drains, laterals to the street, laterals behind the curb or within a public utility easement, an approved system in the side or rear setback, or some other method acceptable to the responsible official.

### Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the county's stormwater ordinance, and the findings above, Engineering Services staff concludes that the proposed preliminary stormwater plan, subject to the recommended conditions of approval, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **FIRE PROTECTION:**

### Finding 27 Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 28 Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Condition B-2)

Finding 29 Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-21)

Finding 30 Fire Hydrants

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire Marshal staff indicates that the indicated number and the spacing of fire hydrants is not adequate. The applicant needs to contact the Vancouver Fire Department at (360)696-8166 to arrange for approval of hydrant locations. (see Condition A-22)

Finding 31 Fire Access and Maneuvering

The project is required to provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. Fire Marshal staff indicates that the roadways and maneuvering areas as indicated in the application meet the requirements, in accordance with the Transportation Standards.

**WATER & SEWER SERVICE:**

Finding 32 Utilities

The development is required to be connected to public water and sewer, City of Vancouver, purveyor. The applicant submitted current utility reviews from the City verifying that services are available to the site and indicating the requirements for connection.

Prior to final plat approval, the applicant shall provide documentation from the City that water and sewer connections to the new lots have been installed and approved. (see Condition A-23)

Finding 33 Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review

or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (see Condition D-11).

## IMPACT FEES:

### Finding 34 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620.

The site is within:

- Vancouver School District, with a SIF of \$1,725.00 per dwelling
- Park District #7, with a PIF of \$1,885.00 per dwelling (\$1,445 for park acquisition / \$440 for park development).
- Orchards TIF sub-area with a TIF of \$1,342.19 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot; provided that two lots (to be so designated on the final plat) may be exempt from impact fees as credit for the two existing dwellings being removed.

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Conditions B-3 & C-3)

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).



## Determination:

**Determination of Non-Significance (DNS).** Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

## Date of Publication & Comment Period:

Publication date of this DNS is November 17, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on December 1, 2004

<p style="text-align: center;"><b><u>Public Comment Deadline:</u></b> <b>December 1, 2004</b></p>
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## SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Alan Boguslawski, (360) 397-2375 ext. 4921

**Responsible Official:** Michael V. Butts

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011  
Web Page at: <http://www.co.clark.wa.us>**

## **RECOMMENDATION**

Based upon the proposed plan (identified as Exhibit #5) and the findings and conclusions stated above, staff recommends that the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## **Conditions of Approval**

### **A. Conditions that must be met prior to Final Plat Approval**

- A-1** The plat shall be amended so that proposed lot 46 meets the minimum average lot depth for the R1-5 zone of 75 feet, in accordance with CCC Table 40.220.010-2; or the applicant shall obtain approval of a Type 1 administrative variance, in accordance with CCC 40.550.020, to reduce the lot depth as shown. (see Finding 1)
- A-2** Prior to demolition of any existing structures on the site, the applicant shall obtain approval of a demolition permit from the Clark County Building Department. The applicant shall comply with all applicable asbestos inspection and control regulations, in accordance with the procedures of the Southwest Clean Air Agency. (see Finding 2)
- A-3** Final Wetland Permit Approval shall be required (standard wetland permit condition).

The Engineering Construction Plans and Final Enhancement/Mitigation Plan shall clearly demonstrate that the bioswale complies with sub-paragraphs (d) through (j) in CCC 40.450.040 (C)(4). (see Finding 6)

- A-4** The applicant shall reimburse the county for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,500. The reimbursement shall be made prior to final plat approval. (see Finding 9)
- A-5** If the proposed partial width road for NE 53<sup>rd</sup> Circle is to be constructed prior to that portion within the Peach Tree Vista Subdivision to the north, a minimum paved roadway 20 feet wide, within a minimum 29 feet of half-width right-of-way shall be required to provide for a two-way safe traffic movement. (see Finding 17)
- A-6** The applicant shall install "No-Parking" signs along the partial width roadway of NE 53<sup>rd</sup> Circle. (see Finding 17)
- A-7** Since it is not feasible to extend NE 53<sup>rd</sup> Circle to NE 56th Avenue in compliance with the intersection spacing requirements of the code, the proposed NE 53<sup>rd</sup> Circle shall terminate with a permanent cul-de-sac. (see Finding 17)
- A-8** The applicant shall construct concrete driveway entrances for NE 53<sup>rd</sup> Court and NE 54<sup>th</sup> Court at their intersections with NE 51<sup>st</sup> Street to meet county road standards, and in compliance with the Americans with Disabilities Act (ADA). (see Finding 18)
- A-9** The applicant shall extend the proposed easement area an additional 20 feet beyond westerly terminus of the proposed private road accessing lots 1-8. (see Finding 19)
- A-10** Since the proposed private road is less than 24 feet wide, parallel parking is prohibited. The applicant shall install "No Parking" signs along the proposed private road accessing lots 1-8. (see Finding 19)
- A-11** The proposed private road shall include an approved approach at the intersection with NE 55<sup>th</sup> Avenue, which will be a public road. (see Finding 19)
- A-12** The applicant shall provide evidence to be submitted with construction drawings that will show the development complies with sight distance standards. The adequacy of the sight distance triangles at the intersection of proposed on-site road and NE 51<sup>st</sup> Street shall be verified by the applicant's engineer. (see Finding 22)
- A-13** The final stormwater plan shall be prepared in accordance with the Stormwater Management Manual for the Puget Sound Basin. Performing a closed depression analysis in accordance with Section III-1.5 of the Puget Sound Manual shall be determined during final engineering plan review. (see Finding 25)

- A-14** The final stormwater plan shall be prepared in accordance with the Stormwater Management Manual for the Puget Sound Basin. Performing a closed depression analysis in accordance with Section III-1.5 of the Puget Sound Manual shall be determined during final engineering plan review. See Stormwater Finding 25
- A-15** The proposed Alfano Subdivision shall continue to collect stormwater flows from off-site areas, including stormwater runoff from the Peach Tree Vista Subdivision site, and size the proposed stormwater facilities accordingly. (see Finding 26)
- A-16** The applicant shall revise the final stormwater plans to show an adequate easement to provide access to proposed stormwater facilities. (see Finding 26)
- A-17** The proposed stormwater detention facility shall be located on site or within adequate easement areas and not within the public right-of-way. (see Finding 26)
- A-18** The applicant shall revise Tables 2 & 3 of the preliminary stormwater report to reflect correct allowable release rates during the 2-year storm events. (see Finding 26)
- A-19** The proposed stormwater detention facility shall be located on site or within adequate easement areas and not within public right of way. (see Finding 26)
- A-20** The applicant shall prepare and submit information on the capacity of the existing ditch along NE 51<sup>st</sup> Street to handle runoff originating from Basin B, under the developed conditions. (see Finding 26)
- A-21** Fire flow in the amount of 1,000 gallons per minute supplied at 20 PSI for 60 minutes duration is required for this development. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Finding 29)
- A-22** Fire hydrants shall be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire hydrant locations shall be approved by the chief of the Vancouver Fire Department. Fire hydrants shall be provided with appropriate "Storz" adapters for the pumper connection. A six-foot clear space shall be provided and maintained around every fire hydrant. (see Finding 30)
- A-23** The applicant shall provide documentation from the City of Vancouver that water and sewer connections to the new lots have been installed and approved. (see Finding 32)

## **B. Conditions that must be met prior to issuance of Building Permits**

- B-1** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public

Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

The applicant shall maintain all existing signs within the public right-of-way within the limits of the development's construction until the public roads have been accepted by the county. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the county installs the permanent signing and striping. (see Finding 14)

**B-2** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (see Finding 28)

**B-3** Impact fees shall be paid prior to issuance of a building permit for each lot, as follows; PROVIDED, two lots (to be so indicated on the plat) may be exempt from impact fees as credit for the two existing dwellings being removed:

- Traffic Impact Fees: \$1,342.19 (Orchards TIF sub-area)
- Park Impact Fees: \$1,885.00 (Park District #7)  
(\$1,445 – Acquisition/\$440 – Development)
- School Impact Fees: \$1,725.00 (Vancouver School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate. (see Finding 34)

## **C. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

### **Zoning:**

**C-1** "Dwellings and other structures on the lots in this plat shall be constructed in accordance with the setbacks, height regulations, lot coverage, parking standards, and other applicable standards for the R1-5 zone in CCC 40.220.010." (see Finding 1)

### **Wetland Covenants:**

**C-2** "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat." (see Finding 6)

**Impact Fees:**

- C-3** "In accordance with CCC 40.610 & 40.620, (except for Lots [REDACTED] & [REDACTED], exempt as credit for the existing dwelling removed from the site) the School, Park, and Traffic Impact Fees for each dwelling in this subdivision are respectively: \$1,725.00 (Vancouver School Dist), \$1,885.00 (Park District #7) (\$1,445 – Acquisition; \$440 – Development), and \$1,342.19 (Orchards TIF sub-area). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (see Finding 34)

**Archaeological:**

- C-4** "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**Sidewalks:**

- C-5** "Prior to issuance of an occupancy permit for each lot in this plat, sidewalks shall be constructed along the lot frontage."

**Mobile Homes:**

- C-6** "Mobile homes are prohibited on the lots in this subdivision in accordance with CCC 40.260.130."

**Critical Aquifer Recharge Areas:**

- C-7** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**Erosion Control:**

- C-8** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**Utilities:**

- C-9** "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing,

operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**Driveways:**

**C-10** "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

**Privately Owned Stormwater Facilities:**

**C-11** "The Developer or the Home Owners Association is responsible for long-term maintenance of the privately owned stormwater facilities."

<b>D. Standard Conditions</b>
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This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

**Land Division:**

**D-1** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**Wetlands:**

**D-2** The requirements of CCC Section 40.450.030(E)(4) shall apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence);
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms, etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

**Final Construction Plan Review:**

**D-2** Prior to construction, the applicant shall submit and obtain county approval of a final stormwater plan designed in conformance to CCC 40.380.

**D-3** Prior to construction, the applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350.

### **Pre-Construction Conference:**

- D-4** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county.

### **Erosion Control:**

- D-5** Prior to construction, the applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.380.
- D-6** A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- D-7** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- D-8** Erosion control facilities shall not be removed without county approval.

### **Excavation and Grading:**

- D-9** Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- D-10** Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

### **Water Wells and Septic Systems:**

- D-11** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review, or prior to occupancy). (see Finding 33)

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.**



## HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

### **Attachments:**

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>